

REMARKS

As a preliminary matter, the Examiner objected to Claim 20 because the Examiner believes that the term "preset time" should be "presentu time." However, "preset time" (i.e., the time that was set previously) is correct. Accordingly, withdrawal of this objection to Claim 20 is respectfully requested.

Claims 1 and 27 stand rejected under 35 U.S.C. §101 as allegedly being directed to non-statutory subject matter. Applicants have cancelled Claim 27, without prejudice, thereby rendering this rejection moot with respect to this claim. However, with respect to Claim 1, Applicants respectfully traverse this rejection.

Independent Claim 1 has not been amended to overcome this rejection, because the notification to the flow source of the determination made by the determination unit of Claim 1 is a tangible result. The tangible nature of such a notification of Claim 1 is apparent from the decision in *State Street Bank & Trust Co. v. Signature Financial Group, Inc.* 149 F.3d 1369 (Fed. Cir. 1998). There, the court held “The transformation of data, representing discrete dollar amounts, by a machine though a series of mathematical calculations into a final share price, constitutes a practical application of a mathematical algorithm, formula, or calculation, because it produces ‘a useful, concrete and tangible result’ – a final share price *momentarily fixed for recording and reporting purposes...*” (emphasis added). *Id.* at 1373. It is apparent from the Federal Circuit’s ruling that a tangible result may exist where a process creates even a temporary presence of a useful result. A tangible result can be a mere “price” that can be recorded and analyzed in the future. Similarly, in the instant case, a tangible result can be the

notification made by the notification unit. Accordingly, withdrawal of this §101 rejection of independent Claim 1 is respectfully requested.

Claims 2-27 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. As mentioned above, Applicants have cancelled independent Claim 27, without prejudice, thereby rendering this rejection moot with respect to this claim. Claims 3 and 4 have also been cancelled, without prejudice, thereby rendering this rejection moot with respect to these claims also. However, with respect to Claims 2 and 5-26, Applicants respectfully traverse this rejection.

Applicants have amended the claims to better define the features of the invention. Accordingly, withdrawal of this §112 rejection is respectfully requested.

Claims 1-9, 12-18 and 22-27 stand rejected under 35 U.S.C. §102(e) as being anticipated by United States Patent Application Publication No. 2004/0148520 to Talpade et al. As mentioned above, Applicants have cancelled Claims 3, 4 and 27, without prejudice, thereby rendering this rejection moot with respect to these claims. However, with respect to Claims 1, 2, 5-9, 12-18, and 22-26, Applicants respectfully traverse this rejection.

Applicants respectfully submit that the cited reference fails to disclose all of the claimed features of the present invention. More specifically, the Talpade et al. reference fails to disclose unauthorized access prevention technology that includes, inter alia, a feature involving "notifying, according to a determination that the countermeasure is implemented in the flow source that makes the unauthorized access flow into the user's communication network, the determination to a flow source," as recited in independent

Claims 1, 2 and 26. A similar feature is defined in independent Claim 13 with the following language: "a notification process for judging whether, when it is determined that the countermeasure is implemented in the flow source that makes the unauthorized access flow into the user's communication network, the determination is notified to the flow source."

In contrast, the Talpade et al. reference merely discloses that DDoS (Distributed Denial of Service) traffic and non-DDoS traffic is filtered, and only non-DDoS traffic is forwarded to the customer. The Talpade et al. reference fails to disclose anything related to notifying the flow source (ISP) that makes the unauthorized access flow, as defined in independent Claims 1, 2, 13 and 26.

The Talpade et al. reference relates to a system of one ISP, while the preferred embodiment of the present invention defined in independent Claims 1, 2, 13 and 26 relates to a system enabling a plurality of ISPs to be incorporated together. In the Talpade et al. reference, routing is changed and unauthorized packets are removed at the Filter Router of the ISP. In contrast, in the present invention of Claims 1, 2, 13 and 26, a plurality of ISPs are incorporated, and unauthorized packets are removed at the Router that is set closest to the attack transmitter source. Although the search unit of the preferred embodiment of the present invention is a unit that detects a flowing-in path as an attack source, the Examiner appears to have misunderstood this search unit as a unit for detecting an attack.

In light of the above-comments and arguments, Applicants respectfully request the withdrawal of this §102(e) rejection of independent Claims 1, 2, 13 and 26, and associated dependent Claims 5-9, 12, 14-18, and 22-25.

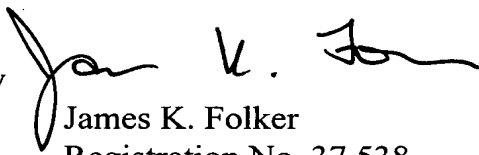
Claims 10, 11 and 19-21 stand rejected under 35 U.S.C. §103 as being unpatentable over Talpade et al. in view of United States Patent Application Publication No. 2004/0003286 to Kaler et al. Applicants respectfully traverse this rejection.

Claims 10, 11 and 19-21 all depend, indirectly, from independent Claim 2, and therefore include all of the features of Claim 2, plus additional features. Accordingly, Applicants respectfully request that this §103 rejection of dependent Claims 10, 11 and 19-21 be withdrawn considering the above remarks directed to independent Claim 2, and also because the Kaler et al. reference does not remedy the deficiencies noted above, nor was it relied upon as such.

For all of the above reasons, Applicants request reconsideration and allowance of the claimed invention. Should the Examiner be of the opinion that a telephone conference would aid in the prosecution of the application, or that outstanding issues exist, the Examiner is invited to contact the undersigned attorney.

Respectfully submitted,

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